

**Enrolled Minutes of the Twelfth Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, July 14, 2008**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 14, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed introduced Ordinance No. 1400 and the parameters of the Riverfront Development District.
3. The Town Council discussed the request for publication of a public hearing regarding the proposed additional appropriations.

The study session ended at 7:00 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, July 14, 2008 at 7:04 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent.

Lisa Gauthier, Laurel Roach, Dawn Wolak and Karen Ziants of the Special Events Advisory Committee; and Leroy Fassett of the Shared Ethics Advisory Committee were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 23 June 2008 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2008 Budgets in the **Special Revenue Note (Highland Building Acquisition) Fund** in the amount of **\$145,000.**

(a) Attorney verification of Proofs of Publication: The Town Council Attorney indicated that the proofs of publication were in compliance with IC 5-3-1. (The TIMES 03 July 2008;POST-TRIB 01 July 2008.)

(b) Public Hearing. The Town Council President called the meeting to order.

1. Joe Bartok, 9324 Spring creek Drive, Highland, noting that purchase price of the house and property is \$132,500 and that the additional appropriation was in support of the purchase, he inquired about the appropriation being in the amount of \$145,000.
2. Joe Wszolek, 3731 42<sup>nd</sup> Place, Highland, inquired as to specific purposes of the purchase of the house and property.

Mr. Wszolek further inquired as to whether or not there was any unencumbered cash balance in the Municipal Cumulative Capital Development Fund, and if so, why would the purchase be financed with debt instead of cash.

Mr. Wszolek further noting that the purpose of the purchase was to expand parking for a possible refurbished Town Hall, he inquired whether or not the Town Council was aware that the current zoning of the property was R-1 and would at least require a zoning variance to be used as proposed.

Mr. Wszolek referred to a needs study commissioned by the 25<sup>th</sup> Town Council from Wilson-Estes, and from which he represented that for an expansion that would sufficiently meet the projected needs of the government administration and the police department as many as four houses adjoining the current town hall site may be needed. Mr. Wszolek expressed his belief that the purchase of the property supported by this additional appropriation was "premature."

3. Bob Marini, \_\_\_\_\_ Highland, inquired whether or not the Town Council had considered the site of the former Girl Scout Agency Offices, at 2900 block of Highway Avenue, across the street from the Central Fire Station. Mr. Marini favorably remarked on his belief in the suitability of the building for Town Hall purposes. Mr. Marini urged the Town Council to consider its use, further suggesting that the current Town Hall be used for the Police Department and the Girl Scout agency building be used for administrative offices.

The hearing was closed.

- (c) Action on **Appropriation Enactment No. 2008-26**: An Enactment Appropriating Additional Moneys in Excess of the 2008 Budget in the **Special Revenue Note (Highland Building Acquisition) Fund** in the amount of **\$145,000**. Councilor Herak introduced and moved the consideration of Appropriation Enactment No. 2008-26 on the same evening of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Herak moved the passage and adoption of Appropriation Enactment No. 2008-26 on the same evening of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

ENACTMENT NO. 2008-26

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE SPECIAL REVENUE NOTE (HIGHLAND BUILDING ACQUISITION) FUND AND SEVERAL OTHERS, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Revenue Note (Highland Building Acquisition) Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL REVENUE NOTE (HIGHLAND BUILDING ACQUISITION) FUND:

Increase Account # 3xx.xx Issuance Costs:	\$ 17,500.00
Total 300 Series Increases:	\$ 17,500.00
Increase Account # 4xx.xx Purchase of Property:	\$ 127,500.00
Total 400 Series Increases:	\$ 127,500.00
<b>Total Proposed Additional for the Fund:</b>	<b>\$ 145,000.00</b>
<b>Net Total Increase for the Fund:</b>	<b>\$ 145,000.00</b>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14<sup>th</sup> Day of July 2008. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 14<sup>th</sup> Day of July 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Public for Matters on the Agenda**

1. Joe Wszolek, 3731 42<sup>nd</sup> Place, Highland, reviewed the notice for the proposed additional appropriations in the Redevelopment General Fund, and inquired about the source of funding for that fund's additional noting the notice was silent.
2. Joe Bartok, 9324 Spring Creek Drive, Highland, referring to introduced Ordinance No. 1399 indicated that he favored that the Motorized Bicycle Licenses be only fixed at \$25.
3. Dean Stannis, 9324 Spring Creek Drive, Highland, referring to introduced Ordinance No. 1399, inquired whether or not fines for violations of the Motorized Bicycle licensing provisions had been increased.

There were no further comments from the public.

## Communications

- The Clerk-Treasurer read a letter from Daniel J. Buksa, reporting his resignation from the Highland Municipal Plan Commission and the Advisory Board of Zoning Appeals owing to his change of residency. *No further action is necessary once filed with appointing authority, the Town Council President as Municipal Executive, pursuant to IC 5-8-4-4 and IC 5-8-3.5-1(5).*

**Staff Reports:** The Council received the following reports as information for the record:

### • Building & Inspection Report for June 2008

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	0	0	0	\$0.00	\$0.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	124	124	0	\$1,174,256.00	\$12,275.00
Addit/Remodel					
Commercial	7	0	7	\$165,022.00	\$3,184.00
Addit/Remodel					
Schools/Church remodel/addtn.	0	0		\$0.00	\$0.00
Sheds	0	0	0	\$0.00	\$0.00
Fences	28	28	0	\$73,696.00	\$2,328.00
Garage	1	1	0	\$13,635.00	\$317.00
Swimming Pools	11	11	0	\$0.00	\$220.00
Misc. Permits	4	4	0	\$20,058.00	\$444.00
Misc. other	2	2	0		\$149.00
Signs	3	0	3	\$45,250.00	\$1,123.00
Fire Repair	0	0	0	\$0	\$0
<b>Total:</b>	<b>180</b>	<b>170</b>	<b>10</b>	<b>\$1,491,917.00</b>	<b>\$20,040.00</b>
<b>Electrical Permits</b>	<b>26</b>	<b>20</b>	<b>6</b>		<b>\$4,146.00</b>
<b>Heating/AC Permits</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>\$0.00</b>	<b>\$460.00</b>
<b>Plumbing Permits</b>	<b>5</b>	<b>1</b>	<b>4</b>		<b>\$977.40</b>
<b>Water Meters</b>	<b>5</b>	<b>0</b>	<b>5</b>		<b>\$1,250.00</b>
<b>Water Taps</b>	<b>1</b>	<b>0</b>	<b>1</b>		<b>\$200.00</b>
<b>Sewer Taps</b>	<b>3</b>	<b>1</b>	<b>2</b>		<b>\$200.00</b>
<b>Total:</b>	<b>14</b>	<b>2</b>	<b>12</b>		<b>\$3,727.00</b>

**June Code Enforcement:** 189 warnings issued and 22 citations were issued.

There were 21 final building inspections, 6 plumbing inspections, and 20 electrical inspections. There were 2 electrical exams given.

### • Fire Department Report for June 2008

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	17	76	70	
Car Fires	0	7	5	
Still Alarms	15	47	58	
Ambulance calls	0	1	1	

### • Workplace Safety Report for June 2008

There were two incidents reported in June. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	2	3	6	0	0	0	0
Fire	0	1	1	0	0	0	0
Police	0	3	10	0	0	55	70

Street	0	3	2	0	0	0	0
Water & Sewer	0	4	3	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	3	0	0	0	0
<b>TOTALS</b>	2	14	25	0	0	55	70

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

#### Unfinished Business and General Orders:

- 1. Introduced Ordinance No. 1399:** An Ordinance to Amend Chapter 73 of the Highland Municipal Code, related to the Motorized Bicycle (MOPED) licensure and associated fee. *Councilor Herak introduced and filed the ordinance at the Town Council meeting of 23 June 2008. There was no further action. If adopted as introduced, the proposed ordinance would fix the license fee for mopeds at \$100 for persons aged 15 up to and under 18; and \$25 for persons 18 years of age and above.*

Councilor Novak moved the passage and adoption of Ordinance No. 1399. Councilor Vassar seconded. Before the roll call was taken, two amendments were attempted. One failed for lack of a second. The other failed to attain a majority. (They are memorialized following this paragraph. Upon disposal of the amending motion, a roll call was conducted. There were four affirmatives and one negative. With Councilors Vassar, Novak, Kuiper and Zemen voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The Ordinance was adopted.

Prior to the final roll call the following motions were offered.

Councilor Herak moved to amend the pending ordinance, by removing the text associated with Section § 73.03 (B) dealing with separate license for persons at least 15 but less than 18 years of age; revise Section 73.19 by eliminating the terms referring to a license fee for operators 18 and above being fixed at \$25 and licenses for operators who are 15 but less than 18 year of age at \$100 and simply fixing a license fee without reference to age for all operators at \$25; and remove entirely subdivision (B) of Section § 73.22. There motion failed for failure to attain a second.

Councilor Vassar moved to amend the pending ordinance by removing all references to two-tier aged-based licensing fees, and fix the license fee at \$100. Councilor Novak seconded. Upon a roll call vote, there were four negatives and one affirmative. With Councilors Herak, Novak, Kuiper and Zemen voting negative and Councilor Vassar voting in the affirmative, the motion did not pass. The amendment was not adopted.

Following this the vote on the motion to adopt the ordinance (as enrolled) was adopted as indicated herein.

**Ordinance No. 1399  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE AMENDING THE HIGHLAND MUNICIPAL CODE BY AMENDING CHAPTER 73 AND CHAPTER 131 OF THE HIGHLAND MUNICIPAL CODE, ALL PURSUANT TO IC 36-1-3, IC 36-1-4, AND IC 36-8 ET SEQ.**

**WHEREAS**, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

**WHEREAS**, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**WHEREAS**, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

**WHEREAS**, I.C. 36-8-2-2 provides that municipalities may establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities and equipment for that system; and,

**WHEREAS**, I.C. 36-9-2-7 provides that municipalities may regulate the use of public ways;

**WHEREAS**, I.C. 9-21-1-2 provides that municipalities as a local authority may adopt by ordinance additional traffic regulations with respect to highways under the authority's jurisdiction, provided that an ordinance adopted under this subsection may not conflict with or duplicate a statute;

**WHEREAS**, IC 9-21-1-3 further provides that municipalities as a local authority, with respect to private roads and highways under the authority's jurisdiction, in accordance with IC 9-21-1-2, and within the reasonable exercise of the police power, may regulate traffic by means of police officers or traffic control signals, and regulate the operation of bicycles and require the registration and licensing of bicycles, including the requirement of a registration fee, and adopt other traffic regulations specifically authorized by IC 9-21 et seq., and regulate or prohibit the operation of low speed vehicles on highways;

**WHEREAS**, I.C. 36-8-2-4 A unit may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

**WHEREAS**, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

**WHEREAS**, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq.;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Municipal Code be amended by repealing Chapter 73 in its entirety and replacing it with a new chapter, to be entitled Off-Road Vehicles and Motorized Bicycles and to be numbered Chapter 73, which shall read as follows:

#### **CHAPTER 73: OFF-ROAD VEHICLES AND MOTORIZED BICYCLES**

##### **Section**

##### **General Provisions**

73.01 Definitions and interpretation

73.02 Regulations for snowmobiles and off-road vehicles

73.03 Violations

##### **Motorized Bicycles**

73.15 Traffic regulations for motorized bicycles

73.16 License required; turn

73.17 Application for license

73.18 Persons eligible

73.19 Fee

73.20 Issuance

73.21 Transfer

73.22 Display

73.23 Records

73.99 Penalty

#### **GENERAL PROVISIONS**

##### **§ 73.01 DEFINITIONS AND INTERPRETATION.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **MOTORIZED BICYCLE.** A two- or three-wheeled vehicle that is propelled by an internal combustion engine or battery powered motor, and, if powered by an internal combustion engine, having the following:

(a) An engine rating of no more than two horsepower and a cylinder capacity not exceeding 50 cubic centimeters.

(b) An automatic transmission.

(c) A maximum design speed of not more than 25 miles per hour on a flat surface.

(2) **OFF-ROAD VEHICLE.** A motor driven vehicle capable of cross-country travel:

- (a) Without benefit of a road or trail; and
- (b) On or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.
- (c) The term includes the following:
  - (i) A multi-wheel drive or low-pressure tire vehicle.
  - (ii) An amphibious machine.
  - (iii) A ground effect air cushion vehicle.
  - (iv) Other means of transportation deriving motive power from a source other than muscle or wind.
- (d) The term does not include the following:
  - (i) A farm vehicle being used for farming.
  - (ii) A vehicle used for military or law enforcement purposes.
  - (iii) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
  - (iv) A snowmobile.
  - (v) A registered aircraft.
  - (vi) Any other vehicle properly registered by the Bureau of Motor Vehicles.
  - (vii) Any watercraft that is registered under Indiana statutes.
  - (viii) A golf cart vehicle.
- (3) **OPERATE.** To ride in or on, and to be in actual physical control of the operation of an off-road vehicle.
- (4) **OPERATOR.** An individual who operates or is in actual physical control of an off-road vehicle.
- (5) **OWNER.** Except as otherwise provided by this chapter, when used in reference to an off-road vehicle:
  - (a) A person who holds the legal title of an off-road vehicle;
  - (b) A person renting or leasing an off-road vehicle and having exclusive use of the off-road vehicle for more than 30 days; or
  - (c) If an off-road vehicle is the subject of an agreement for the conditional sale or lease vested in the conditional vendee or lessee, or in the event a mortgagor, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession of an off-road vehicle is entitled to possession, the conditional vendee or lessee or mortgagor.
- (6) **PEDESTRIAN.** Any person afoot.
- (7) **SNOWMOBILE.** An off-road vehicle designed for travel primarily on snow or ice, of any type, which utilizes sled type runners or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.

(B) The provisions of this title, which are not contained in this chapter, shall not apply to this chapter.

**§ 73.02 REGULATIONS FOR SNOWMOBILES AND OFF-ROAD VEHICLES.**

(A) It shall be unlawful for any person to operate a snowmobile or off-road vehicle under the following circumstances:

- (1) On private property of another without the express permission to do so by the owner or occupant of said property.
- (2) On public school grounds, park property, playgrounds and recreational areas without express provision or permission to do so by the proper public authority.
- (3) On any street or sidewalk within the town; provided, however, that the Police Department may authorize use of a snowmobile or off-road vehicle on the public streets, highways, and rights-of-way within its jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.
- (4) In a manner so as to create loud, unnecessary, or unusual noise so as to disturb or interfere with the reasonable peace and quiet of other persons.
- (5) In a careless, reckless, or negligent manner so as to endanger the safety of any person or the property of any other person.
- (6) While under the influence of intoxicating liquor, fermented malt beverages, or controlled substances or drugs.

(B) All snowmobiles and off-road vehicles operated within the town shall have the following equipment:

- (1) Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut out, bypass, or similar device on said vehicle.
- (2) Adequate brakes in good working condition and at least one headlight and one taillight.
- (3) A safety or so-called "deadman" throttle in operating condition; a safety or "deadman" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes a motor to be disengaged from driving tract.

(C) It is unlawful for the owner or operator of a snowmobile or off-road vehicle to leave or allow said vehicle to be or remain unattended on public property while the motor is running or with the keys for starting the vehicle left in the ignition.

#### **§ 73.03 VIOLATIONS.**

(A) No parent or guardian shall authorize or knowingly permit his or her child or ward to violate any of the provisions of this chapter relating to motorized bicycles.

**(B) It shall be a violation for an operator who is at least 15 years of age but under 18 years of age to be operating a motorized bicycle licensed for an operator who is at least 18 years of age.**

(C) It shall be the duty of the Police Department to furnish a copy of all violations to the Clerk-Treasurer within 24 hours after the issuance of the violation.

### **MOTORIZED BICYCLES**

#### **§ 73.15 TRAFFIC REGULATIONS FOR MOTORIZED BICYCLES.**

(A) Operators of motorized bicycles on a public highway or public path shall be subject to the provisions of traffic laws of the state and the town applicable to the operation of motor vehicles generally, subject to the special regulations in this section, and excepting those provisions of the traffic laws which by their nature can have no application.

(B) A motorized bicycle shall not be operated by any person under the age of 15 years.

(C) Operators of a motorized bicycle shall obey the directions and instructions of official traffic-control devices and signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(D) Whenever authorized signs are erected indicating that no right or left or U-turns are permitted, no persons operating a motorized bicycle shall disobey the direction of any such sign, except where such person dismounts from the vehicle to make such turn, in which event the person shall obey the regulations applicable to pedestrians.

(E) A person operating a motorized bicycle shall not drive, other than upon the permanent and regular seat attached thereto, nor shall the operator permit any passengers in excess of the number allowed for by the design and number of seats of the vehicle.

(F) No person shall operate a motorized bicycle at a speed greater than is reasonable and prudent under the conditions then existing, and the operator of a motorized bicycle may not exceed the speed of 25 miles per hour or the speed limit, whichever is lesser.

(G) Every person operating a motorized bicycle shall drive as near to the right hand side of the roadway as is possible, and in single file when passing other vehicles, parked or moving, or any other considerable object on the highway.

(H) The operator of a motorized bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles on the roadway close enough to constitute a hazard.

(I) No person operating a motorized bicycle shall attach the same or himself to any vehicle upon a public highway or public path.

(J) No person operating a motorized bicycle shall carry any package, bundle, or article, which prevents the operator from keeping both hands upon the handlebars.

(K) Trick riding is prohibited. The hands of the operator of a motorized bicycle shall be on the handlebars at all times, except while in the act of signaling.

(L) No operator of a motorized bicycle shall cause or permit a motorized bicycle to curve side to side.

(M) No person shall park a motorized bicycle in such a manner as to interfere with the normal flow of pedestrian traffic, vehicular parking or vehicular flow of traffic.



(N) The operation of motorized bicycles upon interstate highways and sidewalks is prohibited.

(O) Every motorized bicycle, operated on a public highway, during the period from one-half hour after sunset until one-half hour before sunrise, shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear, or a red reflector visible from a distance of 500 feet to the rear.

(P) No person shall ride a motorized bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet or more. A motorized bicycle may not be equipped with and a person may not use upon a motorized bicycle a siren or whistle.

(Q) Every motorized bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, or clean pavement.

(R) Every person operating a motorized bicycle shall employ the use of hand signals in the manner provided by state law for turning or changing lanes if such vehicle is not equipped with a lighted turn signal device.

(S) A person less than eighteen years of age who operates or rides a motorized bicycle on a street or highway shall:

- (1) Wear protective headgear meeting the minimum standards set by the Indiana Bureau of Motor Vehicles or a helmet that meets standards established by the United States Department of Transportation under 49 CFR 571.218 in effect January 1, 1979; and
- (2) Wear protective glasses, goggles or a transparent face shield.

#### **§ 73.16 LICENSE REQUIRED.**

(A) Every motorized bicycle, either owned by a resident of the town, or stored within the town (excepting motorized bicycles held primarily for resale in the ordinary course of business), shall be registered and licensed with the Police Department within ten days after becoming the owner of said motorized bicycle, or commencing the storage of said motorized bicycle.

(B) The license shall expire annually on December 31 of the year of registration and issuance of the license. Each motorized bicycle shall be re-registered and re-licensed on or before the expiration of any existing license, and the renewal shall be on an annual basis.

#### **§ 73.17 APPLICATION FOR LICENSE.**

Every person required to register a motorized bicycle shall complete such registration forms as are adopted from time to time by the Police Department.

#### **§ 73.18 PERSONS ELIGIBLE.**

(A) Any person 15 years of age or older owning a motorized bicycle shall obtain a license for each motorized bicycle from the Police Department **according to the provisions of this code.**

(B) No license shall be issued to a person who has not obtained an identification card under IC 9-24, a permit under IC 9-24, an operator's license under IC 9-24, a chauffeur's license under IC 9-24, or a public passenger chauffeur's license under IC 9-24.

#### **§ 73.19 FEE.**

Each person filing an application for registration and issuance of a license for a motorized bicycle shall pay a licensing and local registration fee based **upon the age of the operator** for each motorized bicycle so registered and licensed as follows:

- (1) **If the motorized bicycle is to be operated by an operator at least 15 years of age but under 18 years of age, the fee is fixed at \$100;**
- (2) **If the motorized bicycle is to be operated by an operator at least 18 years of age or more, the fee is fixed at \$25;**
- (3) **If the motorized bicycle is to be operated by an operators from both aged groups, the fee is fixed at \$100;**

#### **§ 73.20 ISSUANCE.**

The Police Department shall issue a motorized bicycle license to each eligible applicant who has completed the registration form and paid the required license fee. The license shall contain the number assigned to the vehicle and the name of the town, subject to Section § 73.22.

§ 73.21 TRANSFER.

A motorized bicycle license is not transferable.

§ 73.22 DISPLAY.

(A) A motorized bicycle license shall be affixed to and maintained upon the motorized bicycle registered for license and in such position as to be plainly visible from the rear.

(B) A motorized bicycle license shall be distinguished in some fashion so as to conspicuously identify the authorized licensed operator(s) as being at least 15 but under 18 years of age or being at least 18 years of age.

(C) No person shall remove a license from a motorized bicycle during the period for which issued, except upon a transfer of ownership, or when so removed by the Police Department. Upon the sale or other transfer of a licensed motorized bicycle, the licensee shall remove the license.

§ 73.23 RECORDS.

The Police Department shall keep on file a list of registrations of motorized bicycles for official use and the license application shall include the name of the owner, address, telephone number, make of motorized bicycle, type, size, color, and manufacturer serial number, if any.

§ 73.99 PENALTY.

(A) Any person, entity or organization who shall violate any provisions of this chapter shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the Violations Clerk or Ordinance Violation Bureau in the amount set forth in the Admissions Clerk Payable Offenses Schedule in § 131.06.

(B) If such persons, entity or organization shall violate any provisions of this chapter, and there is a failure to satisfy the civil violation as set forth in Chapter 131 of this code, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$250 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

**Section 2.** That the Highland Municipal Code be amended by repealing Section 131.06 (D) in its entirety and replacing it with a section, to be numbered Section 131.06 (D), which shall read as follows:

(D) *Parking / Non-Moving Violations.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the officers of the Highland Metropolitan Police Department, **Code Enforcement Officer**, or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§72.04	Stopping, standing or parking near industrial plants gate	\$40
§72.05	Stopping, standing or parking on parkway	\$40
§72.06	Parking not to obstruct traffic	\$40
§72.06.01	Vehicles parked on sidewalks	\$50
§72.07	Parking in alleys	\$40
§72.08	Parking in front of public buildings and theaters	\$75
§72.10	Angle Parking	\$40
§72.12	Parking prohibited totally	\$65
§72.13	Truck parking	\$50
§72.14	Bus Loading Zones	\$50
§72.16	Parking prohibited during certain hours	\$40
§72.17	Fifteen minute parking	\$40
§72.18	Two-hour parking	\$40
§72.19	Special regulations for street work	\$40
§72.20	Special regulations for snow removal	\$75
§72.20.1	Parking during period of leaf collection	\$75
§72.24	Parking, storage or maintenance of certain vehicles in residential and commercial areas	\$100

Code Section	Violation	Fine
§72.25	Parking without special permit display prohibited	\$125
§73.02	Snowmobile violations	\$100
§73.03	Parental responsibility and wrong aged operator	\$250
§73.15	Moped Traffic violations	\$100
§73.22	Failure to Display Motorized Bicycle license	\$100

**Section 3.** That should a court find any provision of this ordinance to be unlawful or unenforceable, those provisions not so found shall continue to be in full force and effect;

**Section 4.** That any patrol services activity described or contemplated under this ordinance which may have taken place before the passage and adoption of this ordinance, including the fees for services collected in consequence of the activity and deposited in the proper fund of the Town of Highland is hereby ratified, authorized and approved, pursuant to IC 36-1-4-16;

**Section 5** Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 23<sup>rd</sup> day of June 2008. Consideration on same evening of introduction was not considered, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 14<sup>th</sup> Day of July 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/ Bernie Zemen, President (IC 36-5-2-10)

**Attest:**

/s/ Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Introduced Ordinance No. 1400:** An Ordinance Authorizing and Approving the Establishment of a Riverfront Development Project Area, in the Town of Highland, all pursuant to IC 7.1-3-20, Sections 16 and 16.1, and Section 74 of HEA 1125, adopted as P.L. 131-2008. *Councilor Novak introduced and filed the Ordinance at the Town Council meeting of 23 June 2008. There was no further action. If adopted as introduced, the proposed ordinance would authorize the Alcohol and Tobacco Commission to permit certain non-transferable alcohol beverage dispensing licenses as part of an economic development incentive for development that may attain in an area along the Little Calumet River, between Indianapolis Boulevard Kennedy Area and approximately 1,500 feet or three city blocks south.*

Councilor Vassar moved to adopt Ordinance No. 1400. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and not negatives. The motion passed. The ordinance was adopted.

**Ordinance No. 1400**  
of the  
**TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE OF THE HIGHLAND TOWN COUNCIL TO APPROVE THE DESIGNATION OF A  
RIVERFRONT DEVELOPMENT DISTRICT**

**WHEREAS**, IC 7.1-3-20-16 allows for and authorizes the issuance of specified, non-transferable permits to sell alcoholic beverages for on premises consumption in a restaurant on land or in a historic river vessel within a municipal riverfront development project funded in part with state and town money; and

**WHEREAS**, IC 7.1-3-20-16.5 allows for and authorizes the issuance of a retailer's permit to sell alcoholic beverages to the proprietor of a restaurant that is located in a facility that is located within the boundaries of a riverfront development district that is established by ordinance pursuant to IC 36-7-11-7; and

**WHEREAS**, Conference Committee Final Report for HB 1125 Section 74, effective July 1, 2008, allows a "qualified town" in addition to a qualified city to be eligible to designate a municipal riverfront development project area if it meets all provisions of IC 7.1 that apply to a municipal riverfront development project area, and that this Section 74 expires on December 31, 2011; and

**WHEREAS**, The Redevelopment Commission of the Town of Highland studied, reviewed, and established the Highland Riverfront Development District, herein attached as Appendix A, as an area set apart for development and redevelopment as part of a municipal riverfront project and qualifying for all applicable provisions, such as the above, under the Indiana Code with Resolution No. #2008-01 on June 11, 2008; and

**WHEREAS**, The Redevelopment Commission of the Town of Highland approved Resolution No. #2008-02 on June 11, 2008 that requests approval of the Riverfront Development District by the Highland Town Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIGHLAND, LAKE COUNTY, INDIANA AS FOLLOWS:**

**Section 1** That the Highland Redevelopment Commission's request for Town Council approval of said Riverfront Development District as described in Appendix A is acknowledged.

**Section 2** That the area set out and described in the attached appendix as the Highland Riverfront Development District is hereby approved and adopted by the Town Council.

Introduced and Filed on the 23<sup>rd</sup> day of June 2008. Consideration on same evening of introduction was not considered, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 14<sup>th</sup> Day of July 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

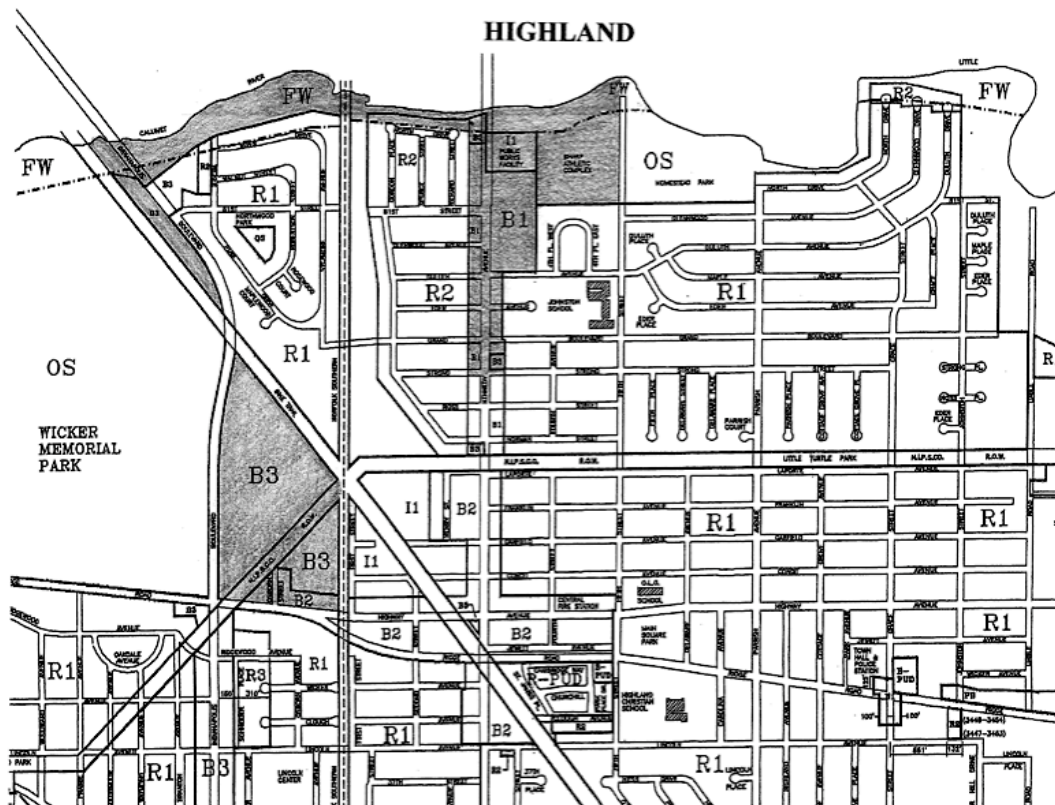
**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**APPENDIX A  
HIGHLAND RIVERFRONT DEVELOPMENT DISTRICT 2008**



**Legal Description of the Highland Riverfront Development District**  
**2008**

COMMENCING at the intersection of the Easement of the Little Calumet River and two hundred (200) feet West of the centerline of Indianapolis Boulevard;

THENCE: Southeast parallel to Indianapolis Boulevard until the intersection of Indianapolis Boulevard and Grand Boulevard, if extended; and

THENCE: South along the East side of Indianapolis Boulevard to Ridge Road;

THENCE: East along Ridge Road to the Norfolk Southern Rail Road; and

THENCE: North along the Norfolk Southern Rail Road to the Bike Trail; and

THENCE: Northwest along the Northwest Indiana Public Service Company (NIPSCO) pipeline; and

THENCE: North along Indianapolis Boulevard to the easement of the Little Calumet River; and

THENCE: East along the Easement of the Little Calumet River to Fifth Street; and

THENCE: South along Fifth Street to Eighty First Street; and

THENCE: West along Eighty First Street to the East Alley of Kennedy Avenue; and

THENCE: South along the East Alley of Kennedy Avenue to Strong Street; and

THENCE: West along Strong Street to the West Alley of Kennedy Avenue; and

THENCE: North along the West Alley of Kennedy Avenue to the Easement of the Little Calumet River.

3. **Introduced Ordinance No. 1401:** An Ordinance of the TOWN of HIGHLAND Authorizing issuance and sale of notes of the Town for the purpose of providing funds to be applied on the cost of the acquisition of a building, other matters connected therewith, together with the incidental expenses in connection therewith and on account of the issuance of the notes. *Councilor Vassar introduced and filed the Ordinance at the Town Council meeting of 23 June 2008. There was no further action. If adopted as introduced, the proposed ordinance would authorize the issuance of revenue notes in an amount not to exceed \$145,000 to support the purchase of the property located at 3315 Ridge Road, Highland. The purchase was authorized by adoption of Works Board Order No. 2008-12 on April 28, 2008. The purchase price has been established as \$132,500.*

Councilor Vassar moved to adopt Ordinance No. 1401. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Ordinance was adopted.

**TOWN OF HIGHLAND**  
**ORDINANCE NO. 1401**

**AN ORDINANCE OF THE TOWN OF HIGHLAND AUTHORIZING THE ISSUANCE AND SALE OF NOTES OF THE TOWN FOR THE PURPOSE OF PROVIDING FUNDS TO BE APPLIED ON THE COST OF THE ACQUISITION OF A BUILDING, OTHER MATTERS CONNECTED THEREWITH, TOGETHER WITH THE INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF NOTES**

**WHEREAS**, A town is authorized under IC 5-14, IC 36-5-2-11 and IC 36-5-2-12 to make loans of money for not more than five (5) years and issue notes for the purpose of procuring money to be used in the exercise of the powers of the town;

**WHEREAS**, The Town Council ("Council") of the Town of Highland, Indiana ("Town") hereby determines to provide for the cost of acquiring a house adjacent to the Town Hall for use as a municipal building by the Town and the incidental expenses in connection therewith and on account of the issuance of the hereinafter defined Notes ("Project"); and

**WHEREAS**, The Council has determined that the estimated cost, including incidental expenses incurred in connection with the Project and with the issuance of Notes to finance the Project, will be in an amount not to exceed \$145,000; and

**WHEREAS**, The Council finds that it has no funds on hand or available to apply on the cost of the Project; and

**WHEREAS**, The Council has determined to undertake the Project; and

**WHEREAS**, It is necessary that the Notes be issued in an amount not to exceed \$145,000 to provide funds to pay such costs of the Project and the incidental expenses to be incurred in connection with the Project and with the issuance and sale of the Notes; and

**WHEREAS**, The Town will receive certain revenues in 2008 through 2013 for deposit in its Municipal Cumulative Capital Development Fund which the Town desires to pledge to the payment of the Notes ("Pledged Revenues"); and

**WHEREAS**, The total indebtedness of the Town, excluding the amount of the Notes, is \$819,903, assuming all such indebtedness constitutes debt in the constitutional sense under the Indiana Constitution and does not exceed any constitutional or statutory limitations on indebtedness, and the net assessed valuation of taxable property in the Town, as shown by the last complete and final assessment for state and county taxes is \$1,311,072,791; and

**WHEREAS**, The Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Notes have been complied with in accordance with the provisions of the Act;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND THAT:**

Section 1. Authorization of Project. **The Town shall proceed with the Project as set forth in this ordinance. The cost of the Project funded with proceeds of the Notes shall not exceed the sum of \$145,000 plus investment earnings on the Note proceeds, without further authorization from this Council. The Project shall be completed and the Notes herein authorized shall be issued pursuant to and in accordance with the Act.**

Section 2. Details of Notes. **(a) In order to procure funds with which to pay the costs of the Project, including the costs of issuance of the Notes on account of the Project and the funding of a debt service reserve, the County shall issue its Notes in an amount not to exceed \$145,000 to be designated "General Revenue Notes of 2008", for the purpose of procuring funds to apply on the cost of the Project and issuance costs ("Notes") in accordance with the Act.**

The Notes shall be sold at a price not less than the par value thereof, shall be issued in fully registered form in denominations of \$100 or integral multiples thereof, numbered consecutively from 1 upward, dated as of the date of delivery and shall bear interest at a rate or rates not exceeding five percent (5.0%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable semiannually on February 1 and August 1 of each year, beginning on February 1, 2009. Interest on the Notes shall be calculated according to a 360-day year containing twelve 30-day months. The Notes shall mature annually on February 1, commencing February 1, 2009, over a period ending no later than February 1, 2013 years and in such amounts as will produce as level annual debt service as possible, taking into account the funds from which the Pledged Revenues are derived. All or a portion of the Notes are pre-payable by the Town, in whole or in part, at any time, upon seven days' notice to the owner of the Notes without any premium.

(b) **The Clerk-Treasurer is hereby appointed to serve as Registrar and Paying Agent ("Registrar" or "Paying Agent") for the Notes unless a successor is appointed by the Town ("Registrar" or "Paying Agent"). The Town is hereby authorized to enter into such agreements or understandings with any successor Registrar and Paying Agent as will enable the Registrar and Paying Agent to perform the services required of a registrar and paying agent. The Town is authorized to pay from its funds such fees as any successor Registrar and Paying Agent may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from any funds available to the Town.**

(c) **The principal and interest of the Notes shall be payable by check or, upon written direction of the registered owner of the Notes, by wire transfer. All payments on the Notes shall be made in lawful money of the United States of America, which, on the date of such payment, shall be legal tender for the payment of public and private debts.**

(d) **Each Note shall be transferable or exchangeable only upon the books of the Town kept for that purpose at the office of the Registrar by the registered owner in person, or by its attorney duly authorized in writing, upon surrender of such Notes together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new, fully registered Note or Notes in authorized denominations and in the same aggregate principal amount shall be executed and delivered in the name of the transferee or transferees of the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the Town, except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange.**

(e) **The Town and the Registrar and Paying Agent for the Notes may treat and consider the person in whose name such Notes are registered as the absolute owner for all purposes including for the purpose of receiving payment of, or on account of the principal and interest due.**

(f) **If any Note is mutilated, lost, stolen or destroyed, the Town shall execute and the Registrar shall authenticate a new Note or Notes of the same maturity and denomination as that mutilated, lost, stolen or destroyed; provided that in the case of any mutilated Note, such mutilated Note shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Note, there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the Registrar, together with indemnity satisfactory to it. If any such Note shall have matured, instead of issuing and authenticating a duplicate Note, the Registrar may pay the same without surrender thereof; provided, however, that in the case of a lost, stolen or destroyed Note, there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the Registrar together with indemnity satisfactory to it. The Registrar may charge the owner of such Note with its reasonable fees and expenses in connection with replacing**

any Note mutilated, lost, stolen or destroyed. Any Notes issued pursuant to this section shall be deemed a contractual obligation of the Town replacing the obligation evidenced by such mutilated, lost, stolen or destroyed Notes.

- (g) Whenever any outstanding Note shall be delivered to the Registrar for cancellation pursuant to this ordinance or upon payment of the principal amount or interest represented thereby or for replacement pursuant to Section ), such Note shall be cancelled and destroyed by the Registrar and a counterpart of a certificate of destruction evidencing such destruction shall be furnished by the Registrar to the Town.

Section 3. Execution and Authentication of Notes. (a) The Notes shall be executed on behalf of the Town with either the manual or facsimile signatures of the Town Council President and attested by the manual or facsimile signature of the Clerk-Treasurer. Those officials, by the signing of the Signature and No Litigation Certificate and the Notes, respectively, shall adopt as and for their own proper signatures their facsimile signatures appearing on the Notes. If any officer of the Town whose signature or whose facsimile signature which appears on the Notes shall cease to be such officer before the delivery of such Notes, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Any Notes may be executed and attested on behalf of the Town by such officer as at the time of the execution of such Notes shall be duly authorized or hold the proper office of the Towns although at the date borne by the Notes or at the date of delivery of the Notes such officer may not have been so authorized or have held such office.

- (b) No Note shall be valid or become obligatory for any purpose or entitled to any security or benefit under this ordinance unless and until signed by the Town Council President and attested by the Clerk-Treasurer.

- (c) Subject to the provisions of this ordinance for registration, the Notes shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

Section 4. Pledge of Pledged Revenues. The interest on and the principal of the Notes issued pursuant to the provisions of the ordinance are payable from and secured by an irrevocable pledge of the Pledged Revenues of the Town and any other legally available revenues of the Town. The Town hereby irrevocably pledges the Pledged Revenues, and any other legally available revenues of the Town, to the payment of the interest on and principal of the Notes, such pledge to be effective as set forth in IC 5-1-14-4 without recording or filing. The Town shall not be obligated to pay the Notes or the interest thereon except from the Pledged Revenues deposited in the Municipal Cumulative Capital Development Fund ("MCCD Fund") described in Section 8 of this ordinance, and the Notes shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Section 5. Sale of Notes. Prior to the sale of the Notes, the Clerk-Treasurer shall cause to be published either (i) a notice of note sale in such sale in the *Post-Tribune* or the *Hammond Times* two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, or (ii) a notice of intent to sell in a newspaper published in the *Post-Tribune* or the *Hammond Times* and the *Court & Commercial Record*, once each week for two weeks all in accordance with IC 5-1-11 and IC 5-3-1. The notice shall also be posted at the Town Hall in accordance with IC 5-3-1. A notice or summary notice of sale may also be published one time in the *Court & Commercial Record* or *The Bond Buyer*, financial journals published in the City of Indianapolis and in the City and State of New York, respectively. The notice shall state purpose for which the Notes are being issued, the total amount of the Notes, the maximum rate of interest on the Notes, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorneys employed by the Town shall deem advisable and any summary notice may contain any information deemed so advisable. The notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check or a financial surety bond to guarantee performance on the part of the bidder. If a financial surety bond is used, it must be from an insurance company licensed to issue such bond in the State of Indiana, and such bond must be submitted to the Town prior to the opening of the bids. The financial surety bond must identify each bidder whose good faith deposit is guaranteed by such financial surety bond. If the Notes are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit to the Town a certified or cashier's check (or wire transfer such amount as instructed by the Town) not later than 3:30 p.m. (Scottsburg time) on the next business day following the award. In the event the successful bidder shall fail or refuse to accept delivery of the Notes and pay for the same as soon as the Notes are ready for delivery, or at the time fixed in the notice of sale, then the check and the proceeds thereof shall be the property of the Town and shall be considered as its liquidated damages on account of such default.

All bids for the Notes shall be sealed and shall be presented to the Clerk-Treasurer at his office, and the Clerk-Treasurer shall continue to receive all bids offered until the hour and the day fixed in the notice, at which time and place she shall open and consider the bids. Bidders for the Notes will be required to name the rate or rates of interest which the Notes are to bear, not exceeding five percent (5%) or such lower maximum rate set forth in the notice, and such interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). The rate bid on a maturity shall be equal to or greater than the rate bid on the immediately preceding maturity. No conditional bid or bid for less than the par value of the Notes will be considered.

The Notes shall be awarded by the Clerk-Treasurer to the highest responsible and qualified bidder who has submitted his bid in accordance with the terms of this ordinance, IC 5-1-11 and the notice of sale. The highest bidder will be the one who offers the lowest net interest cost to the Town, to be determined by computing the total interest on all of the Notes to their maturities and adding thereto the discount bid, if any, and deducting the premium bid, if any. The right to reject any and all bids shall be reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which provides a higher net interest cost to the Town than the best bid received at the time of the advertised sale will

be considered. No conditional bid or bid for less than all of the Notes will be considered. The opinion of Ice Miller LLP, bond counsel of Indianapolis, Indiana, approving the legality of the Notes will be furnished to the purchaser at the expense of the Town.

Section 6. Preparation of Notes. The Clerk-Treasurer is hereby authorized and directed to have the Notes prepared, and the Town Council President and Clerk-Treasurer are hereby authorized and directed to execute the Notes in the form and manner provided in this ordinance.

Section 7. Use of Proceeds and Costs of Issuance. Any accrued interest and any premium received at the time of the delivery of the Notes shall be deposited in the hereinafter defined Revenue Fund and used to pay interest on the Notes. The remaining proceeds from the sale of the Notes shall be deposited in a bank or banks which are legally designated depositories for the funds of the Town, in a special account or accounts to be designated as "Highland Building Acquisition Project Fund" ("Project Fund"). All funds deposited to the credit of the Revenue Fund or the Project Fund shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, as amended and supplemented from time to time. The funds in the Project Fund shall be expended only for the purpose of paying the cost of the Project or as otherwise required by the Act or for the expenses of issuance of the Notes. The cost of obtaining the legal services of Ice Miller LLP, shall be considered as a part of the cost of the Project on account of which the Notes are issued. Any balance or balances remaining unexpended in such special account or accounts after completion of the Project, which are not required to meet unpaid obligations incurred in connection with such Project, shall either (1) be paid into the Revenue Fund and used solely for the purposes of the Revenue Fund or (2) be used for the same purpose or type of project for which the Notes were originally issued, all in accordance with IC 5-1-3, as amended from time to time.

Section 8. MCCD Fund. MCCD Fund. Pledged Revenues in the MCCD Fund shall be appropriated from time to time for the payment of the principal of and interest on all outstanding Notes, and the payment of any fiscal agency charges in connection with the payment of the Notes. The Town shall, from the sums deposited in the Revenue Fund, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

Section 9. Tax Covenants. In order to preserve the exclusion of interest on the Notes from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of the Notes ("Code"), and as an inducement to purchasers of the Notes, the Town represents, covenants and agrees that:

(a) The Project will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the Town or another state or local governmental unit will use more than 10% of the proceeds of the Notes or property financed by the Note proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by Note proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Notes. If the Town enters into a management contract for the Projects, the terms of the contract will comply with IRS Revenue Procedure 97-13, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Notes.

(b) No more than 10% of the principal of or interest on the Notes is (under the terms of the Notes, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the Town) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Note proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Note proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Note proceeds.

(d) The Town reasonably expects, as of the date hereof, that the Notes will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Notes.

(e) No more than 5% of the proceeds of the Notes will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The Town will not take any action nor fail to take any action with respect to the Notes that would result in the loss of the exclusion from gross income for federal tax purposes on the Notes pursuant to Section 103 of the Code, nor will the Town act in any other manner, which would adversely affect such exclusion. The Town covenants



and agrees not to enter into any contracts or arrangements, which would cause the Notes to be treated as private activity Notes under Section 141 of the Code.

(g) It shall be not an event of default under this ordinance if the interest on any Note is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Notes.

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Notes.

(i) The Town represents that:

(i) The Notes are not private activity Notes as defined in Section 141 of the Code;

(ii) The Town hereby designates the Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code;

(iii) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax-exempt leases but excluding other private activity Notes) which will be issued by the Town, and all entities subordinate to the Town during 2008 does not exceed \$10,000,000; and

(iv) The Town will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2008.

Therefore, the Notes qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

(j) The Town represents that:

(i) The Town is a governmental unit with general taxing powers, which powers include the power to impose taxes of general applicability that, when collected, may be used for the general purposes of the Town;

(ii) The Notes are not private activity Notes as defined in Section 141 of the Code;

(iii) At least 95% of the net proceeds of the Notes will be used for local governmental activities of the Town or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Town;

(iv) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the Town and all units subordinate to the Town, including on-behalf-of issuers and subordinate entities as those terms are defined in Regulations Section 1.148-8(c)(2), is not reasonably expected to exceed \$5,000,000 in calendar year 2008; and

(v) The Town has not been formed or availed of to otherwise avoid the purposes of the \$5,000,000 size limitation.

Therefore, the Town meets the requirements of Section 148(f)(4)(D) of the Code and will not have to rebate any arbitrage profits to the United States.

Section 10. Noncompliance with Tax Covenants. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Notes from gross income under federal law ("Tax Exemption") need not be complied with if the Town receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 11. Debt Limit Not Exceeded. The Town represents and covenants that the Notes herein authorized, when combined with other outstanding indebtedness of the Town, will not exceed any applicable constitutional or statutory limitation on the Town's indebtedness.

Section 12. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 13. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 14. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

Section 15. Amendments to Ordinance. This ordinance may, from time to time hereafter, be amended without the consent of the owners of the Notes, if in the sole discretion of the Town Council, such amendment shall not adversely affect the rights of the owners of any of the Notes.

Section 16. Effective Date. This ordinance shall be in full force and effect immediately upon its passage and signing by the presiding officer.

Introduced and Filed on the 23<sup>rd</sup> day of June 2008. Consideration on same evening of introduction without further action, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 14<sup>th</sup> Day of July 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2008-27:** A Resolution Approving an Interlocal Cooperation Agreement between the Town of Highland and the Highland Park and Recreation Department and Parks District for the Utilization of Communication Mobile Tower License Fees for Mutual Benefit, all pursuant to IC 36-1-7 et seq. If adopted by the Town Council and the Park and Recreation Board, the proposed agreement would authorize the sharing of license fees paid by T-Mobile to the Parks and Recreation Department with the VIPS in the amount of \$500 per month for the duration of the communication tower license. *Councilor Vassar moved the passage and adoption of Resolution 2008-27. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.*

TOWN OF HIGHLAND  
TOWN COUNCIL RESOLUTION No. 2008-27

A Resolution Approving an Interlocal Cooperation Agreement between the Town of Highland and the Highland Park and Recreation Department and Parks District for the Utilization of Communication Mobile Tower License Fees for Mutual Benefit

**WHEREAS**, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually utilize services for the mutual benefit of each other; and

**WHEREAS**, The Incorporated Town of Highland a, Lake County, Indiana is a municipal corporation and the Highland Parks and Recreation Department and Park District is a political subdivision empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract with each other on a basis of mutual advantage so as to better provide public services and facilities at a shared cost; and

**WHEREAS**, The Incorporated Town of Highland and the Parks and Recreation Department and Parks District desire to enter into a joint agreement pursuant to IC 36-1-7-1, et seq., to provide for the ability and flexibility to share the proceeds of certain license fees between the Park and Recreation Department and the Volunteers in Policing Service (VIPS), a program of the Metropolitan Police Department, to support activities of the program and related services for the mutual benefit of the participating entities at a shared cost;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Highland, Lake County as follows:

**Section 1.** A special interlocal cooperation agreement, a copy of which is attached and incorporated herein by reference, among and between the Incorporated Town of Highland and the Parks and Recreation Department

and Park District, entered into by the proper governing bodies as evidenced by participation counterparts affixed to the agreement is hereby authorized and approved in each and every respect.

**Section 2.** The purpose of the agreement is to authorize and allow the ability and flexibility to share the proceeds of certain communication license fees between the Park and Recreation Department and the Volunteers in Policing Service (VIPS), a program of the Metropolitan Police Department, to support activities of the program and related services for the mutual benefit of the participating entities at a shared cost.

**Section 3.** The governing boards of the participating entities may create a committee comprised of representatives from both participating entities or may designate a single individual from each of the participating entities, which may perform such administrative ministerial duties as the joint board may direct and the agreement may provide.

**Section 4.** The President of the Highland Town Council and the Clerk-Treasurer are hereby authorized to execute the joint Interlocal Governmental Agreement with their signatures on the proper participant counterpart.

**Section 5.** This agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2.

**Section 6.** That before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 14<sup>th</sup> day of July 2008. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W.Griffin, IAMC/CMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

### *Agreement on file*

5. **Resolution No. 2008-28:** A Resolution Approving and Accepting a Certain Interlocal Cooperation Agreement Between the Town of Highland and other Lake County Public Entities for the Purpose of Jointly Purchasing Road Salt, pursuant to IC 36-1-7 et seq. Councilor Novak moved the passage and adoption of Resolution No. 2008-28. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

Prior to adoption, a colloquy ensued between the Town Council and the Public Works Director about the adequacy of the amounts of salt stores historically and the sufficiency of the budget resources to afford increased amounts of salt.

#### **TOWN OF HIGHLAND RESOLUTION NO. 2008-28**

##### **A RESOLUTION APPROVING AND ACCEPTING A CERTAIN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE TOWN OF HIGHLAND AND OTHER LAKE COUNTY PUBLIC ENTITIES FOR THE PURPOSE OF JOINTLY PURCHASING ROAD SALT, PURSUANT TO IC 36-1-7 ET SEQ.**

**Whereas,** Each of the parties hereto is a municipality located in Lake County, Indiana; and

**Whereas,** Each of the parties has a right to buy certain services and supplies, including Road Salt, and desire to do so jointly; and

**Whereas,** The parties hereto believe that their joint purchase may result in economies that will benefit each of the municipalities; and

**Whereas,** I.C. 36-1-7 authorizes political subdivisions, which include the parties hereto, to exercise jointly a power to purchase certain services and supplies.

**Now, Therefore Be It Resolved**, by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the joint agreement among and between the Town of Highland and the following Lake County Communities: Town of Cedar Lake, City of Crown Point, Town of Dyer, Town of Griffith, City of Hammond, City of Hobart, Lake County Highway Department, City of Lake Station, Town of Lowell, Town of Schererville, Town of St. John, Town of Munster, and the Lake Central School Corporation is hereby authorized and approved in each and every respect;

**Section 2.** That the Public Works Director shall serve as the Incorporated Town's representative on the Interlocal Joint Board, as set forth in Section 4(a) of the Interlocal Agreement;

**Section 3.** That the President of the Highland Town Council and the Clerk Treasurer are hereby authorized to execute the joint Agreement with their signatures and any additional documents in order to implement the agreement.

**Duly, Passed and Adopted** by the Town Council of the Town of Highland, Lake County, Indiana this 14<sup>th</sup> Day of July, 2008 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF  
HIGHLAND, INDIANA

Bernie Zemen, President

Attest:

Michael W. Griffin, Clerk Treasurer

*Agreement on File*

6. Action to Authorize the Proper Officer to Publish Notice of a Public Hearing on Proposed Additional Appropriations in several funds to support the raises authorized by the wage and salary ordinance as amended. *Councilor Herak moved to authorize the proper officer to advertise as indicated. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hearing notices for advertisement were approved.*
7. **Works Board Order 2008-15:** An Order Authorizing, Approving and Ratifying the payment of Elective Honoraria or Stipends to the Several School Marching Bands and other Special Groups in Recognition and in Goodwill for their Appearance and public Performance in the Annual Highland Independence Day Twilight Parade. *Councilor Herak moved the passage and adoption of Works Board Order No. 2008-15. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.*

THE TOWN of HIGHLAND  
WORKS BOARD ORDER NO. 2008-15

AN ORDER AUTHORIZING, APPROVING AND RATIFYING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the SEVERAL SCHOOL MARCHING BANDS AND OTHER SPECIAL GROUPS in Recognition and in Goodwill for their APPEARANCE AND PUBLIC PERFORMANCE IN THE ANNUAL HIGHLAND INDEPENDENCE DAY TWILIGHT PARADE.

**Whereas**, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

**Whereas**, The Highland Community Events Commission, did organize and marshal the annual Independence Day Parade; and

**Whereas**, The Highland Community Events Commission did invite several middle school and high school marching bands as well as other special groups to participate in the parade;

**Whereas**, The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to each of the participating marching bands as well as other special groups;

**Whereas**, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

**Whereas,** The Town Council has been reliably advised that all middle and high school bands as well as other special groups perform as volunteers without remuneration, but do expend time, labor and creative process to support the Town of Highland's public parade and patriotic demonstration; and,

**Whereas,** Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

**Whereas,** The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Special Event Advisory Committee,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1** That the several intermediate and high school marching bands, as well as other special groups which participated in the most recent **Independence Day Twilight Parade**, as may be identified by the Community Events Commission, be paid an elective honorarium, in appreciation and recognition of their participation, in the amount of Five Hundred Dollars (\$500) each;

**Section 2.** That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §33.03 of the Highland Municipal Code which reads as follows:

§ 33.03 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

*The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.*

**Section 3.** That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

**Section 4.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the benefit of each of the several bands as well as special groups which participated in the most recent **Independence Day Twilight Parade**, as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein named, and to take such other measures to carry-out the purposes and objects of this order.

**Section 5.** That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16

**Be it so Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of July 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/CMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

## Committee Reports

**Councilor Mark Herak:** *Parks and Recreation Board Liaison Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak complimented the Community Events Commission for its recent efforts for Independence Day event planning and implementation. He also complimented the Parks and Recreation, Public Works and Police departments as well. He reported that the 2009 event would run from July 1 through 5. He also reported that August 16-17 was the Battle of the Ridge 18<sup>th</sup> Century Re-enactment Event.

Councilor Herak reported from the Parks and Recreation Department that the Little League State Tournament was to be conducted at Markley Park, July 21 through 25.

Councilor Herak reported that the Sanitary District sewer line smoke testing project continues and a contract was being negotiated with Christopher Burke and Associates for Storm water Basin feasibility studies.

**Councilor Dan Vassar:** *• Building and Inspection Committee • Plan Commission member.*

Councilor Vassar presented a brief survey of matters soon to come before the Plan Commission. Councilor Vassar also expressed regrets at the resignation of Dan Buksa, commenting favorably on his service and leadership on the Plan Commission.

**Councilor Brian Novak:** *• Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.*

Reported that the Town Council had received several pages of petitions requesting that the Town Council conduct a referendum on withdrawal from the IURC. The petitions' signatures would be submitted for review to determine validity as registered voters. If the number was around 118, the Town Council would be required to certify to the referendum.

From the Fire Department, Councilor Novak reported that the weather warning siren was repaired at the Central Fire Station.

Councilor Novak reported that the Lake County Solid Waste Management District conducted an executive session regarding the proposals for potential trash to ethanol plant operators in Lake County. All proposals are still under consideration.

**Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper had no report.

**Councilor Bernie Zemen:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

The Town Council President reported that the Redevelopment Commission had approved the allocation areas for the Highland Acres Economic Development Area and the Highland Downtown Redevelopment Area. He also noted that the proposed development and design standards for the Downtown Redevelopment Area were available on the Town website for review.

**Comments from the Public for Matters not on the Agenda.**

1. Rick Volbrecht, 9221 Parkway Drive, Highland, wished to formally comment that several pages of petitions as reported by Councilor Novak, requesting a referendum in the November election on the matter of withdrawing from the Indiana Utility Regulatory Commission. He suggested that he gathered the signatures for the reason that the state law offered the opportunity for voters to determine this question. Mr. Volbrecht also indicated that he favored remaining in the jurisdiction of the IURC.
2. Joe Bartok, 9224 Spring Creek Drive, Highland, inquired about his concerns about what he considered to be vehicle storage being conducted at the corner of Jewett Street and Fifth Street. He noted that he had been advised that the area was to be used as accessory parking, but that the current storage of vehicles may not be in compliance. Mr. Bartok stated that he believed that the cars appeared to be disabled.
3. Robert Helmer, 3511 44<sup>th</sup> Street, Highland, referencing the pending trash to ethanol project proposals under review by the Lake County Solid Waste Management District, inquired whether or not the cash costs for pick-up or collection of the solid waste was being included in the cost-benefit analysis regarding the proposals.
4. Joe Wszolek, 3731 42<sup>nd</sup> Place, Highland, inquired about the ways and means of financing the capital plan of the municipality and the several storm and sanitary sewer pumping stations generators. Mr. Wszolek expressed his concerns on the adverse effects on the operating funds in consequence of the changes made law under HEA 1001,
5. Vernon Sieb, \_\_\_\_\_ Lake side Drive, Highland, presented a letter to each Town Councilor in which he requested that the Town Council appoint a committee to review a police incident report no. 08HI04411. Mr. Sieb expressed concerns about the incident detailed in the report.
6. Rick Volbrecht, 9221 Parkway Drive, Highland, inquired whether or not the letter just filed with the Town Council would be available as a public record.
7. Jim Diehl, 10104 Kennedy Avenue, Highland, expressed his concern about the delay to traffic on Kennedy Avenue owing to protracted train stops on the tracks near his home. He urged the Town Council to enforce the noise ordinance related to loud noise emitted from certain cars and motorcycles as well as the booming music.

**Payment of Accounts Payable Vouchers.** There being no further business from the floor, Councilor Herak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period May 13, 2008 through to July 14, 2008. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$379,004.87; Motor Vehicle Highway and Street (MVH) Fund, \$24,458.19; Local Road and Street Fund, \$116,630.36; Forfeited and Seized Assets Fund, \$33.81; Law Enforcement Continuing Education and Training Fund, \$575.38; FSA Agency Fund, \$492.85; Insurance Premium Fund, \$95,209.39; Information and Communications Technology Fund, \$9,455.09; Donation Fund, \$6,829.48; Special Events Non Reverting Fund, \$3,831.00; Cumulative Capital Improvement Fund, \$49,776.45; Municipal Cumulative Capital Development Fund, \$45,852.53; General Improvement Fund, \$169.00; Traffic Violations Agency Fund, \$2,944.00; Municipal Cumulative Street Fund, \$2,457.50; Total: \$ 736,719.90.**

**Adjournment.** Councilor Kuiper moved that the meeting be adjourned. Councilor Vassar seconded. Upon a roll call vote, there were 5 affirmatives and 0 negatives. The motion passed.

The regular meeting of the Town Council meeting of Monday, July 14, 2008 was adjourned at 8:47 O'clock p.m.

There was no study session following the meeting.

Michael W. Griffin, IAMC/CMC/CPFA  
Clerk-Treasurer